

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1231

Introduced by Assembly Member V. Manuel Pérez

February 22, 2013

An act to add and repeal Section 4686.21 of the Welfare and Institutions Code, relating to regional center services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1231, as amended, V. Manuel Pérez. Regional centers: telehealth and teledentistry.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities, including autism.

This bill would, until January 1, 2019, require the department to inform all regional centers that behavioral health treatment to treat pervasive developmental disorder or autism may be provided through the use of telehealth, as defined, and that dentistry may be provided through the use of teledentistry, as defined. The bill would require the department to provide technical assistance to regional centers on the use of telehealth and teledentistry and to request those centers to include a consideration of telehealth and teledentistry in individual program plans and individualized family services plans, as specified.

The bill would require providers of telehealth and teledentistry services to maintain the privacy and security of all confidential consumer information. The bill would provide ~~that a consumer may receive~~

~~behavioral health treatment and dentistry services through the use of telehealth or teledentistry on a provisional basis not to exceed 12 months, as specified; that the provision of a service through the use of telehealth and teledentistry shall be voluntary and may be discontinued at the request of the consumer, and that the consumer may return to his or her preexisting services, as specified. The bill would require the department, on or before December 1, 2017, to forward to the fiscal and appropriate policy committees of the Legislature information provided by the regional centers to assess the effectiveness and appropriateness of providing telehealth and teledentistry services to regional center consumers, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Autism spectrum disorders (ASD) now affect one in every
- 4 88 children of all ethnic, racial, and socioeconomic backgrounds.
- 5 (2) ASD is now the fastest growing developmental disability in
- 6 California and the nation and is more common than childhood
- 7 cancer, juvenile diabetes, and pediatric AIDS combined.
- 8 (3) Approximately two-thirds of all new consumers who are
- 9 entering the regional center system are now diagnosed with ASD.
- 10 (4) Behavioral health treatment (BHT), also known as early
- 11 intervention therapy or applied behavior analysis, is established
- 12 to improve brain function, cognitive abilities, and activities of
- 13 daily living for a significant number of individuals with ASD, but
- 14 may not be accessible or available in underserved communities.
- 15 (5) A significant number of individuals with ASD suffer from
- 16 inadequate dental care.
- 17 (b) It is the intent of the Legislature to do all of the following:
- 18 (1) Improve access to treatments and intervention services for
- 19 individuals with ASD or other developmental disabilities and their
- 20 families in underserved populations.
- 21 (2) Provide more cost-effective treatments and intervention
- 22 services for individuals with ASD or other developmental
- 23 disabilities and their families.

1 (3) Maximize the effectiveness of the interpersonal and
2 face-to-face interactions that are utilized for the treatment of
3 individuals with ASD or other developmental disabilities.

4 (4) Continue maintenance and support of the existing service
5 workforce for individuals with ASD or other developmental
6 disabilities.

7 (5) Utilize telehealth and teledentistry to improve services for
8 individuals with ASD and other developmental disabilities.

9 SEC. 2. Section 4686.21 is added to the Welfare and
10 Institutions Code, to read:

11 4686.21. (a) The department shall do all of the following:

12 (1) Inform all regional centers that behavioral health treatment
13 may be provided through the use of telehealth.

14 (2) Inform all regional centers that dentistry may be provided
15 through the use of teledentistry.

16 (3) Request regional centers to include a consideration of
17 telehealth and teledentistry in each individual program plan (IPP)
18 and individualized family service plan (IFSP) that includes a
19 discussion of behavioral health treatment or dental health care.

20 (4) Provide, using existing resources, and in partnership with
21 other organizations, resources, and stakeholders, technical
22 assistance to regional centers regarding the use of telehealth and
23 teledentistry.

24 (b) The use of telehealth and teledentistry services shall be
25 considered for inclusion in training programs for parents, including,
26 but not limited to, group training programs as described in clause
27 (i) of subparagraph (B) of paragraph (3) of subdivision (c) of
28 Section 4685.

29 (c) The department may implement appropriate vendorization
30 subcodes for telehealth and teledentistry services and programs.

31 (d) Providers of telehealth and teledentistry services shall
32 maintain the privacy and security of all confidential consumer
33 information.

34 ~~(e) A consumer may receive behavioral health treatment and~~
35 ~~dentistry services through the use of telehealth or teledentistry on~~
36 ~~a provisional basis with the consent of the consumer or, as~~
37 ~~appropriate, the consumer's parent, legal guardian, or conservator,~~
38 ~~as set forth in the consumer's IPP or IFSP. The provisional period~~
39 ~~for receiving services through the use of telehealth or teledentistry~~
40 ~~shall not exceed 12 months. During the provisional period, any~~

1 consumer who receives services through the use of telehealth or
2 teledentistry may return to his or her preexisting services, as
3 defined by the consumer's IPP or IFSP, that were in place prior
4 to the commencement of the telehealth or teledentistry services,
5 subject to subdivision (f).

6 ~~(f)~~

7 (e) The provision of a service through the use of telehealth and
8 teledentistry shall be voluntary and may be discontinued at the
9 request of the consumer or, as appropriate, the consumer's parent,
10 legal guardian, or conservator. If, at any time, a consumer or, as
11 appropriate, the consumer's parent, legal guardian, or conservator
12 requests to discontinue the provision of a service through the use
13 of telehealth or teledentistry, the regional center shall convene a
14 review to determine alternative, appropriate means for providing
15 the service.

16 ~~(g)~~

17 (f) On or before December 1, 2017, the department shall forward
18 to the fiscal and appropriate policy committees of the Legislature
19 any information provided by the regional centers to the department
20 to assess the effectiveness and appropriateness of providing
21 telehealth and teledentistry services to regional center consumers
22 through the IPP and IFSP ~~process~~ *processes*.

23 ~~(h)~~

24 (g) A provider of telehealth or teledentistry services shall be
25 responsible for all expenses and costs related to the equipment,
26 transmission, storage, infrastructure, and other expenses related
27 to telehealth and teledentistry.

28 ~~(i)~~

29 (h) For purposes of this section, the following definitions shall
30 apply:

31 (1) "Behavioral health treatment" has the same meaning as set
32 forth in paragraph (1) of subdivision (c) of Section 1374.73 of the
33 Health and Safety Code.

34 (2) "Department" means the State Department of Developmental
35 Services.

36 (3) "Teledentistry" is the use of information technology and
37 telecommunications for dental care, consultation, education, and
38 public awareness in the same manner as described in paragraph
39 (6) of subdivision (a) of Section 2290.5 of the Business and
40 Professions Code.

1 (4) “Telehealth” has the same meaning as set forth in paragraph
2 (6) of subdivision (a) of Section 2290.5 of the Business and
3 Professions Code.

4 ~~(j)~~

5 (i) This section shall remain in effect only until January 1, 2019,
6 and as of that date is repealed, unless a later enacted statute, that
7 is enacted before January 1, 2019, deletes or extends that date.

O